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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,794	02/04/2004	Katsuhiro Wada	B422-255	3353
26272 7590 01/26/2011 COWAN LIEBOWITZ & LATMAN P.C. JOHN J TORRENTE 1133 AVE OF THE AMERICAS NEW YORK, NY 10036				
EXAMINER				
JONES, HEATHER RAE				
ART UNIT		PAPER NUMBER		
2481				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/771,794

Applicant(s)

WADA, KATSUHIRO

Examiner

HEATHER R. JONES

Art Unit

2481

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 8 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 and 08 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 30, 2010 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3, 8, and 21-24 have been considered but are moot in view of the new ground(s) of rejection (Lane - 5,933,567).

35 USC § 101

3. The apparatus claims 1-3, 8, and 21-24 are considered to be statutory because the specification does not define the apparatus to be implemented solely using software.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi (U.S. Patent Application Publication 2002/0044758) in view of Lane et al. (U.S. Patent 5,933,567) in view of Honjo (U.S. Patent 7,013,077).

Regarding claim 1, Kobayashi discloses a reproducing apparatus comprising: a reproducing unit configured to reproduce first moving image data encoded by intra-frame coding and inter-frame encoding and the second moving image data for high-speed reproduction from a recording medium (Fig. 1; Fig. 2 – normal and high speed reproduction; paragraphs [0029] and [0035] – MPEG-2 standard, which includes both intra- and inter-frame coding); the reproducing unit reproducing the first and second moving image data from the recording medium in response to a reproduction start instruction (Fig. 1 – decoding unit (107)); and a control unit configured to control operation of the interface and operation of the decoding unit (Fig. 1 – control unit (111)); an interface configured to output in a form of encoded data the first moving image data and the second moving image data reproduced by the reproducing unit to an outside of said reproducing apparatus (Fig. 1—digital interface (106)); a decoding unit configured to decode the first moving image data and the second moving image data reproduced by the reproducing unit (Fig. 1 – decoding unit (107)); and a control unit configured to control operation of the interface and operation of the decoding unit (Fig. 1 – control unit (111)). However, Kobayashi fails to disclose the second moving image data which is different from the first moving image data and is encoded by

the intra-frame coding and that the control unit controls, in response to a reproduction start instruction, the decoding unit and the interface such that the decoding unit selects the first moving image data reproduced by the reproducing unit and the interface outputs both the first moving image data reproduced by the reproducing unit, in the form of the encoded data and also the second moving image data reproduced by the reproducing unit, in the form of encoded data.

Referring to the Lane et al. reference, Lane et al. discloses a reproducing apparatus that can selectively reproduce packetized video data regarding normal and high speed reproduction, wherein first moving image data for normal reproduction and second moving image data for high speed reproduction in Fig. 12 (a), wherein the normal and high speed reproduction information is different in that the second moving image data is encoded by the intra-frame coding while the first moving image data is encoded by intra-frame coding and inter-frame coding (col. 17, lines 36-44; col. 30, lines 5-16; col. 27, lines 18-25; col. 30, line 51 – col. 31, line 10 - trick play data is specifically encoded for trick play operation); and the interface outputs both the first moving image data in the form of the encoded data and also the second moving image data in the form of encoded data (col. 30, lines 39-43 - both the normal and trick play data are transmitted together).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided separate information for normal and high speed reproduction as well as transmitting the normal and high

speed information together as disclosed by Lane et al. in the apparatus disclosed by Kobayashi in order to improve image quality during high speed reproduction which would be the result from the higher quality trick-play data that was pre-recorded in the trick-play segments. However, Kobayashi in view of Lane et al. still fail to disclose that the control unit controls, in response to a reproduction start instruction, the decoding unit and the interface such that the decoding unit selects the first moving image data reproduced by the reproducing unit and the interface outputs both the first moving image data and the second moving image data reproduced by the reproducing unit.

Referring to the Honjo reference, Honjo et al. discloses a reproducing apparatus wherein the control unit controls, in response to a reproduction start instruction (control signal Sch), the decoding unit and the interface (Fig. 1 - interface is being read as the position between the data reading control unit (101a) and the data writing control unit (102a)) such that the decoding unit selects moving image data among all of the moving image data reproduced by the reproducing unit and the interface outputs all of the moving image data reproduced by the reproducing unit (col. 8, lines 50-62; col. 10, lines 40-46;-col. 11, line 11 - col. 12, line 17 - the interface is outputting the entire signal to the other recording medium to be recorded, meanwhile the decoder is output select signals to the display to notify the user of the dubbing progress).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the control unit controls, in

response to a reproduction start instruction, the decoding unit and the interface such that the decoding unit selects moving image data among all of the moving image data reproduced by the reproducing unit and the interface outputs all of the moving image data reproduced by the reproducing unit as disclosed by Honjo in the apparatus disclosed by Kobayashi in view of Lane et al. in order to notify the user of the progress during dubbing the moving image data. Furthermore, when Honjo is combined with the Kobayashi and Lane et al. references, one could tell that the video being decoded is the first moving image data because depending on the speed of the dubbing process intra and inter-coded frames are being decoded and the high speed reproduction information (second moving image data) only includes intra-frames. Furthermore, the output of the interface once Honjo in the apparatus disclosed by Kobayashi in view of Lane et al. is going to include both first and second moving image data.

Regarding claim 2, Kobayashi in view of Lane et al. in view of Honjo discloses all the limitations as previously discussed with respect to claim 1, including that the interface converts the first moving image data and the second moving image data into a plurality of packets having a data size of a predetermined amount respectively (col. 23, lines 16-21 – the trick play packets have a limited size; col. 25, lines 16-22 – the size of the transport packets depend on the transmission system, for example, AD HDTV has a fixed length of 148 bytes), and the interface multiplexes and outputs the plurality of packets

(Lane et al.: Fig. 11; col. 53, lines 40-63 – the size of the data packet is determined).

Regarding claim **3**, Kobayashi in view of Lane et al. in view of Honjo discloses all the limitations as previously discussed with respect to claims 1 and 2 including that each of the plurality of packets includes ID data, and the interface allocates predetermined values different from each other to the ID data of the packet of the first moving image data and the ID data of the packet of the second moving image data (Lane et al.: Fig. 11; col. 53, lines 40-63 – the header of each packet determines whether the packet is for use during normal playback operation or trick play operation and then determines what particular speed (assigns a value) each trick play data packet is to be used with).

Regarding claim **8**, Kobayashi in view of Lane et al. in view of Honjo discloses all the limitations as previously discussed with respect to claim 1, including that the second moving image data is generated using a frame encoded by the intra-frame coding of the first moving image data (Lane et al.: col. 27, lines 18-25).

6. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi (U.S. Patent Application Publication 2002/0044758) in view of Lane et al. (U.S. Patent 5,377,051).

Regarding claim **21**, Kobayashi discloses an image processing apparatus comprising: an input unit configured to input moving image data (Fig. 1 – image pickup unit (101) and audio collection unit (102)); a signal processing unit

(encoder unit (103)) configured to encode the moving image data input by the input unit and output encoded moving image data, the signal processing unit outputting a first moving image data encoded by intra-frame coding and inter-frame coding and the second moving image data for high-speed reproduction from a recording medium (Fig. 1; Fig. 2 – normal and high speed reproduction; paragraphs [0029] and [0035] – MPEG-2 standard, which includes both intra- and inter-frame coding); the reproducing unit reproducing the first and second moving image data from the recording medium in response to a reproduction start instruction (Fig. 1 – decoding unit (107)); and a control unit configured to control operation of the interface and operation of the decoding unit (Fig. 1 – control unit (111)); an interface configured to output in a form of encoded data the first moving image data and the second moving image data reproduced by the reproducing unit to an outside of said reproducing apparatus (Fig. 1—digital interface (106)); a decoding unit configured to decode the first moving image data and the second moving image data reproduced by the reproducing unit (Fig. 1 – decoding unit (107)); and a control unit configured to control operation of the interface and operation of the decoding unit (Fig. 1 – control unit (111)).

However, Kobayashi fails to disclose the second moving image data which is different from the first moving image data and is encoded by the intra-frame coding and that the control unit controls, in response to a reproduction start instruction, the decoding unit and the interface such that the decoding unit selects the first moving image data reproduced by the reproducing unit and the

interface outputs both the first moving image data reproduced by the reproducing unit, in the form of the encoded data and also the second moving image data reproduced by the reproducing unit, in the form of encoded data.

Referring to the Lane et al. reference, Lane et al. discloses a reproducing apparatus that can selectively reproduce packetized video data regarding normal and high speed reproduction, wherein first moving image data for normal reproduction and second moving image data for high speed reproduction in Fig. 12 (a), wherein the normal and high speed reproduction information is different in that the second moving image data is encoded by the intra-frame coding while the first moving image data is encoded by intra-frame coding and inter-frame coding (col. 17, lines 36-44; col. 30, lines 5-16; col. 27, lines 18-25; col. 30, line 51 – col. 31, line 10 - trick play data is specifically encoded for trick play operation); and the interface outputs both the first moving image data in the form of the encoded data and also the second moving image data in the form of encoded data (col. 30, lines 39-43 - both the normal and trick play data are transmitted together).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided separate information for normal and high speed reproduction as well as transmitting the normal and high speed information together as disclosed by Lane et al. in the apparatus disclosed by Kobayashi in order to improve image quality during high speed reproduction

which would be the result from the higher quality trick-play data that was pre-recorded in the trick-play segments.

Regarding claim **22**, Kobayashi in view of Lane et al. discloses all the limitations as previously discussed with respect to claim 21 including that the signal processing unit outputs the first moving image data and the second moving image data in parallel with each other (Lane et al.: Fig. 10 (a) the trick play packets and the normal play data are being processed outputted in parallel).

Regarding claim **23**, Kobayashi in view of Lane et al. discloses all the limitations as previously discussed with respect to claim 21 including that the recording unit records the first moving image data and the second moving image data on the recording medium (Kobayashi: Fig. 1 – record/reproduction unit (105) records the moving image data onto the recording medium (104); Lane et al.: Fig. 10(a) - the moving image data is being recorded onto the recording medium).

Regarding claim **24**, Kobayashi in view of Lane et al. discloses all the limitations as previously discussed with respect to claim 21 including that the signal processing unit generates the second moving image data using a frame encoded by the intra-frame encoding of the first moving image data (Lane et al: col. 27, lines 18-25; col. 30, lines 39-43).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is

(571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on 571-272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2481

HRJ
January 15, 2011

/Peter-Anthony Pappas/
Supervisory Patent Examiner, Art Unit 2481